

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IVAN KOZOREZOV and LARISA V.
KOZOREZOVA, husband and wife,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.;
MORTGAGE ELECTRONIC
REGISTRATION SYSTEM (MERS);
HSBC BANK USA, NA, as Trustee for
Wells Fargo Asset Securities Corporation,
Mortgage Pass-Through Certificates,
Series 2007-AR7; and NORTHWEST
TRUSTEE SERVICES, INC., Purported
Substitute Trustee of Deed of Trust,

Defendants.

CASE NO. C11-0186 RSM

ORDER GRANTING
DEFENDANTS' MOTION TO
DISMISS

This matter comes before the Court on Motion to Dismiss brought pursuant to Federal Rule of Civil Procedure 12(b)(1) by Defendants Wells Fargo Bank, N.A., Mortgage Electronic Registration System, Inc., and HSBC Bank USA N.A. Defendants contend that this Court lacks subject matter jurisdiction over Plaintiffs' claims. Plaintiffs have asserted federal diversity

1 jurisdiction over their claims pursuant to 28 U.S.C. § 1332. However, for a suit to be brought in
2 federal court on diversity jurisdiction, complete diversity is required. *TOSCO Corp. v.*
3 *Communities for a Better Env't*, 236 F.3d 495, 4999 (9th Cir. 2001). In the case at hand,
4 Plaintiffs and Defendant NWTS are both citizens of Washington. Therefore, complete diversity
5 is lacking. Furthermore, Plaintiffs have not responded to Defendants' Motion to Dismiss. Under
6 Local Rule 7(b)(2), "[i]f a party fails to file papers in opposition to a motion, such failure may be
7 considered by the court as an admission that the motion has merit."

8 Having reviewed the relevant pleadings, exhibits attached thereto, and the remainder of
9 the record, the Court hereby finds and ORDERS:

10 (1) Defendants' Motion to Dismiss (Dkt. #5) is GRANTED.

11 (2) This action is DISMISSED as to all Defendants due to lack of subject matter
12 jurisdiction. The Clerk is directed to close this case.

13 (3) All pending motions are moot, and are thus terminated.

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15 Dated May 5, 2011.

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18 RICARDO S. MARTINEZ
19 UNITED STATES DISTRICT JUDGE
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